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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 KENNETH JENNINGS,

11 Plaintiff,

12 v.

13 SEATTLE HOUSING AUTHORITY,

14 Defendant.

CASE NO. C08-1820JLR

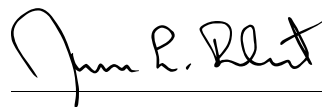
ORDER DENYING MOTION  
FOR TEMPORARY  
RESTRAINING ORDER AND  
PRELIMINARY INJUNCTION

15 This matter comes before the court on Plaintiff Kenneth Jennings's motion for  
16 temporary restraining order and preliminary injunction (Dkt. # 76). Having considered  
17 the motion, as well as all papers filed in support, and deeming response and oral  
18 argument unnecessary, the court DENIES the motion (Dkt. # 76).

19 A plaintiff seeking a temporary restraining order must establish (1) that he is likely  
20 to succeed on the merits; (2) that he is likely to suffer irreparable harm in the absence of  
21 preliminary relief; (3) that the balance of equities tips in his favor; and (4) that an  
22 injunction is in the public interest. *Winter v. Natural Res. Def. Council, Inc.*, \_\_ U.S. \_\_,

129 S. Ct. 365, 374 (2008). Here, Mr. Jennings requests that the court enjoin employees and agents of Defendant Seattle Housing Authority (“SHA”) from entering his apartment to change his shower valve and direct SHA to hold a grievance hearing on the dispute. (Mot. at 1.) Mr. Jennings has not satisfied his burden under *Winter*. First, Mr. Jennings has not shown that he is likely to succeed on the merits of his present claims, which are ill-defined and not within the general scope of his third amended complaint. Second, Mr. Jennings has not demonstrated that he is likely to suffer irreparable harm if SHA changes his shower valve. Third, Mr. Jennings has not shown that the balance of equities tips in his favor. Notably, on June 4, 2010, the King County Superior Court entered a permanent injunction enjoining Mr. Jennings from refusing to consent to up to four entries into his apartment by employees of SHA or its general contractor to change his shower valve. (*See Jennings Decl.*, June 10, 2010 (Dkt. # 76-4) Ex. 8.) By this motion, Mr. Jennings appears, in effect, to be attempting to subvert the ruling of the state court.<sup>1</sup> Fourth, Mr. Jennings has not shown that the public interest weighs in his favor. On this record, the court DENIES Mr. Jennings’s motion for temporary restraining order and preliminary injunction (Dkt. # 76).

Dated this 11th day of June, 2010.

  
 JAMES L. ROBART  
 United States District Judge

<sup>1</sup> This raises concerns of comity, which the court need not explore here on this limited record. These concerns, however, would likely weigh against Mr. Jennings.